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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/836,894	04/17/2001	John E. Armstrong	75637/11931	6547
23380	7590	01/18/2006	EXAMINER	
TUCKER, ELLIS & WEST LLP 1150 HUNTINGTON BUILDING 925 EUCLID AVENUE CLEVELAND, OH 44115-1475			BACKER, FIRMIN	
			ART UNIT	PAPER NUMBER
			3621	

DATE MAILED: 01/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	09/836,894	ARMSTRONG ET AL.
	<b>Examiner</b>	<b>Art Unit</b>
	FIRMN BACKER	3621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 08 December 2005.
- 2a) This action is **FINAL**.      2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 6-7, 9-10, 13-19, 21-22, 24-26, 43-44, 46-47, 49-52, 54-55, 57-58 and 83-87 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 6,7,9,10,13-19,21,22,24-26,43,44,46,47,49-52,54,55,57,58 and 83-87 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All
  - b) Some \*
  - c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                    | Paper No(s)/Mail Date. _____.   |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____. | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|   | 6) <input type="checkbox"/> Other: _____.                                   |

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments with respect to claims 6-7, 9-10, 13-19, 21-22, 24-26, 43-44, 46-47, 49-52, 54-55, 57-58 and 83-87 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 6-7, 9-10, 13-19, 21-22, 24-26, 43-44, 46-47, 49-52, 54-55, 57-58 and 83-87 are rejected under 35 U.S.C. 103(a) as being unpatentable over by Tarpenning et al (U.S. PG Pub No. 20020007454) in view of Smith et al (U.S. Patent No. 6,918,038).

4. As per claims 6, Tarpenning et al teach a method/system/computer usable medium for exchanging data between an initiator and a responder, comprising sending a session request package from the initiator to the responder; sending a session confirm from the responder to the initiator; generating a first key pair by the responder, the first key pair comprising a responder public key and a responder private key, sending a key request from the initiator to the responder

the session confirm comprising the initiator public key; generating a first key pair by the initiator, the first key pair comprising a initiator public key and a responder private key confirming the initiator's key request has been encoded correctly by the responder; sending a key confirm from the responder to the initiator; confirming the responder's key confirm has been encoded correctly by the initiator; sending a data package by the initiator to the responder; replying with a package confirm by the responder to the initiator; and, repeating the sending a data package step and replying step until the initiator sends an end request (*see paragraphs 0014, 0027, 0034, 0035, 0042*). Tarpenning et al fail to teach a system for generating a new fist session key pair comprising a new responder's public/private key. However, Smith et al teach a system for generating a new fist session key pair comprising a new responder's public/private key (*see figs 11, 13A, 13B, 13C, col. 25 line 1-col. 30 line 22*). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Tarpenning et al's system to include Smith's system for generating a new fist session key pair comprising a new responder's public/private key because this would have provided a system in which the keys change each time a communication is executed, which makes a possible intrusion even more difficult.

5. As per claims 7, Tarpenning et al teach a method/system/computer usable medium for exchanging data wherein the session request package comprises the initiator's IP address and profile data (*see paragraphs 0014, 0027, 0034, 0035, 0042*).

6. As per claims 9, Tarpenning et al teach a method/system/computer usable medium for exchanging data wherein the session confirm comprises the session key pair; the responder's public session key; the responder's profile data (*see paragraphs 0014, 0027, 0034, 0035, 0042*).

7. As per claims 10, Tarpenning et al teach a method/system/computer usable medium for exchanging data the key request comprises: the initiator's public session key; the initiator's profile data (*see paragraphs 0014, 0027, 0034, 0035, 0042*).

8. As per claims 13, Tarpenning et al teach a method/system/computer usable medium for exchanging data wherein the confirming the initiator's key request comprises decoding the key request; and, verifying the key request is properly formatted (*see paragraphs 0014, 0027, 0034, 0035, 0042*).

9. As per claims 14, Tarpenning et al teach a method/system/computer usable medium for exchanging data wherein the confirming the responder's key confirm comprises decoding the key confirm, and verifying the key confirm is properly formatted (*see paragraphs 0014, 0027, 0034, 0035, 0042*).

10. As per claims 15, Tarpenning et al teach a method/system/computer usable medium for exchanging data wherein the sending a data package comprises converting the data from its original format to a standardized format (*see paragraphs 0014, 0027, 0034, 0035, 0042*).

11. As per claims 16, Tarpenning et al teach a method/system/computer usable medium for exchanging data wherein the replying comprises converting the data from the standardized format to a format used by the responder (*see paragraphs 0014, 0027, 0034, 0035, 0042*).

12. As per claims 17, Tarpenning et al teach a method/system/computer usable medium for exchanging data wherein the standardized format is EDI (*see paragraphs 0014, 0027, 0034, 0035, 0042*).

13. As per claim 18-19, 21-22, 24-26, 43-44, 46-47, 49-52, 54-55, 57-58 and 83-87 they disclose same inventive concept as claims 6-7, 9-10, 13-17, and do not further limit the scope of the invention. Therefore they are rejected under the same rationale as claims 6-7, 9-10, 13-17.

### ***Conclusion***

14. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

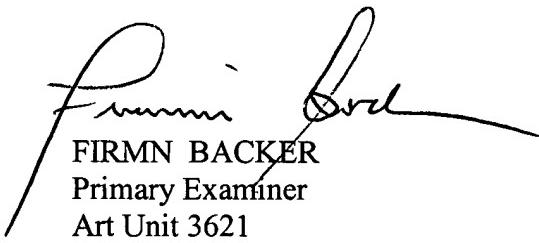
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to FIRMN BACKER whose telephone number is 571-272-6703. The examiner can normally be reached on Monday - Thursday 9:00 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on (571) 272-6712. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



FIRMN BACKER  
Primary Examiner  
Art Unit 3621

January 13, 2006